

Attorney's Docket No. 016800-445  
Application No. 09/881,686  
Page 1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

Sandrine SEGURA et al.

Application No.: 09/881,686

Filed: June 18, 2001

For: O/W EMULSIONS COMPRISING  
MICRONIZED BIOLOGICALLY  
ACTIVE AGENTS

)  
)  
) Group Art Unit: 1617

)  
) Examiner: Lauren Q. Wells

)  
) Confirmation No.: 9187

**AMENDMENT AND REPLY**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In complete response to the Official Action mailed September 29, 2003 (Paper No. 20), Applicants request amendment of the instant application as follows.

**DOCKETED**  
filed 3.29.04 155  
X/500

**BURNS DOANE**  
BURNS DOANE SWECKER & MATHIS LLP  
INTELLECTUAL PROPERTY LAW

Burns, Doane, Swecker & Mathis, L.L.P.  
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## Facsimile Cover

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Date: June 24, 2004

TO: **Examiner Lauren Wells**

Fax Number: **571-273-0634**

Telephone: **571-272-0634**

FROM: **Erin M. Dunston**

Telephone: **703.838.6526**

Sent By: **Jennifer Ackelson**

Company: **USPTO**

Your Reference: **Application No. 09/881,686**

Our Reference: **016800-445**

Number of Pages **52**  
Including Cover:

### Message

Dear Examiner Wells:

Attached are **COURTESY** copies of the Amendment and Reply filed March 29, 2004, and the Supplemental Amendment and Reply filed June 22, 2004. If you have any questions regarding these submissions, please call me at 703-838-6526.

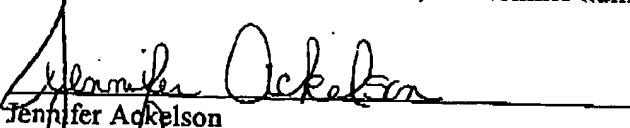
Sincerely,

BURNS DOANE SWECKER & MATHIS, LLP

  
Erin M. Dunston

### CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being sent by facsimile transmittal to Examiner Wells at the U.S. Patent and Trademark Office, at facsimile number 571-273-0634, on June 24, 2004.

  
Jennifer Ackelson

**Patent Response Postcard**

Inventor: Sandrine SEGURA et al.

Docket No.: 016800-445

Dkt. Clerk Initials



Appln. No.: 09/881,686

Filing

Date:

June 18, 2001

Working Atty.: EMDunston

Date:

March 29, 2004

The following was/were received in the U.S. Patent and Trademark Office on the date stamped hereon:

- ☒ Amendment or Response
- ☐ Preliminary Amendment
- ☒ Amendment/Reply Transmittal Letter
- ☒ Petition for Three Month Extension of Time
- ☐ Submission of Formal Drawings w/            sheet(s) of drawings (Fig(s). 1-           )
- ☐ Request for Approval of Drawing Changes w/            sheet(s) of red ink drawings
- ☐ Notice of Appeal
- ☐ Brief for Appellant
- ☐ Request for Oral Hearing
- ☐ Reply Brief
- ☐ Response to Restriction Requirement or Election of Species
- ☐ Terminal Disclaimer
- ☐ Certificate Under 37 C.F.R. 3.73(b)
- ☐ Transmittal Letter for Missing Parts of Application

- ☐ Executed Declaration/Power of Attorney
- ☐ Assignment/Assignment Recordation Form Cover Sheet (PTO-1595)
- ☐ Submission of Certified Copy of Priority Document w/            certified copy(ies)
- ☐ Information Disclosure Statement Transmittal
- ☐ Information Disclosure Citation (PTO-1449)
- ☐ Information Disclosure Statement w/            document(s)
- ☐ Request for Corrected Notice of Recordation of Assignment w/Copy of Notice
- ☐ Request for Continued Examination
- ☐ Issue Fee Transmittal
- ☐ Status Inquiry
- ☐ Submission of Corrected Drawings
- ☐ Payment of Issue Fee and Authorization to charge Deposit Account
- ☐ Request for Refund

- ☐ Request for Corrected Filing Receipt w/copy of Official Filing Receipt
- ☐ Substitute Specification (clean/marked copies)
- ☐ Check for \$            is enclosed
- ☐ Check for \$            is enclosed
- ☒ Charge \$ 950.00 to Deposit Account
- ☐ Charge \$            to credit card. Form PTO-2038 is attached.
- ☐ Filed by Certificate of Mail



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Attorney Docket No. 016800-445 Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of  
Sandrine SEGURA et al.

Application No.: 09/881,686

Filing Date: June 18, 2001

Title: O/W EMULSIONS COMPRISING MICRONIZED BIOLOGICALLY ACTIVE AGENTS

Group Art Unit: 1617

Examiner: Lauren Q. Wells

Confirmation No.: 9187

AMENDMENT/REPLY TRANSMITTAL LETTER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed is a reply for the above-identified patent application.

☒ A Petition for Extension of Time is also enclosed.

☐ Terminal Disclaimer(s) and the ☐ \$55.00 (2814) ☐ \$110.00 (1814) fee per  
Disclaimer due under 37 C.F.R. § 1.20(d) are also enclosed.

☐ Also enclosed is/are \_\_\_\_\_

☐ Small entity status is hereby claimed.

☐ Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the  
☐ \$385.00 (2801) ☐ \$770.00 (1801) fee due under 37 C.F.R. § 1.17(e).

☐ Applicant(s) requests that any previously unentered after final amendments not be entered.  
Continued examination is requested based on the enclosed documents identified above.

☐ Applicant(s) previously submitted \_\_\_\_\_

on \_\_\_\_\_  
for which continued examination is requested.

☐ Applicant(s) requests suspension of action by the Office until at least \_\_\_\_\_  
which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R.  
§ 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.

☐ A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also  
enclosed.

**BURNS DOANE**  
BURNS DOANE SWECKER & MATTHEWS LLP  
INTELLECTUAL PROPERTY LAW

AMENDMENT/REPLY TRANSMITTAL LETTER

**DOCKETED**  
2004 JUN 24 10:36 AM  
Page 1 of 2

Attorney Docket No. 016800-445  
Application No. 09/881,686

- ☒ No additional claim fee is required.  
☐ An additional claim fee is required, and is calculated as shown below.

AMENDED CLAIMS					
	No. of Claims	Highest No. of Claims Previously Paid For	Extra Claims	Rate	Additional Fee
Total Claims	84	MINUS 84 =	0	x \$18.00 (1202) =	\$ 0.00
Independent Claims	7	MINUS 7 =	0	x \$86.00 (1201) =	\$ 0.00
If Amendment adds multiple dependent claims, add \$290.00 (1203)					
Total Claim Amendment Fee					\$ 0.00
<input type="checkbox"/> Small Entity Status claimed - subtract 50% of Total Claim Amendment Fee					\$ 0.00
TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT					\$ 0.00

- ☐ A check in the amount of \_\_\_\_\_ is enclosed for the fee due.  
☐ Charge \_\_\_\_\_ to Deposit Account No. 02-4800.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

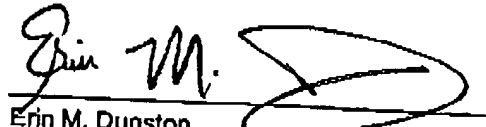
Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620

Date: March 29, 2004

By

  
Erin M. Dunston  
Registration No. 51,147

**BURNS DOANE**  
BURNS DOANE SWECKER & MATHIS LLP  
INTELLECTUAL PROPERTY LAW

AMENDMENT/REPLY TRANSMITTAL LETTER

Page 2 of 2

Attorney's Docket No. 016800-445  
Application No. 09/881,686  
Page 1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of	)	
Sandrine SEGURA et al.	)	
Application No.: 09/881,686	)	Group Art Unit: 1617
Filed: June 18, 2001	)	Examiner: Lauren Q. Wells
For: O/W EMULSIONS COMPRISING	)	Confirmation No.: 9187
MICRONIZED BIOLOGICALLY	)	
ACTIVE AGENTS	)	

**SUPPLEMENTAL AMENDMENT AND REPLY**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Further to Applicants' Amendment and Reply filed March 29, 2004, and in further response to the Official Action mailed September 29, 2003 (Paper No. 20), Applicants request supplemental amendment of the instant application as follows.

*Handwritten:* 6-22-04  
*Handwritten:* 413  
*Handwritten:* [Signature]

**Patent Response PostCard**

47

Inventor: Sandrine Segura et al.

Docket No.: 016800-445

Dkt. Clerk Initials



Appln. No.: 09/881,686

Working Atty.: EMD/jka

Filing

Date: June 18, 2001

Date: June 22, 2004

The following was/were received in the U.S. Patent and Trademark Office on the date stamped hereon:

- |  |   |   |
|--|---|---|
| <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Amendment or Response</li> <li><input type="checkbox"/> Preliminary Amendment</li> <li><input checked="" type="checkbox"/> Amendment/Reply Transmittal Letter</li> <li><input type="checkbox"/> Petition for _____ Month Extension of Time</li> <li><input type="checkbox"/> Submission of Formal Drawings w/ _____ sheet(s) of drawings (Fig(s). 1- _____)</li> <li><input type="checkbox"/> Request for Approval of Drawing Changes w/ _____ sheet(s) of red ink drawings</li> <li><input type="checkbox"/> Notice of Appeal</li> <li><input type="checkbox"/> Brief for Appellant</li> <li><input type="checkbox"/> Request for Oral Hearing</li> <li><input type="checkbox"/> Reply Brief</li> <li><input type="checkbox"/> Response to Restriction Requirement or Election of Species</li> <li><input type="checkbox"/> Terminal Disclaimer</li> <li><input type="checkbox"/> Certificate Under 37 C.F.R. 3.73(b)</li> <li><input type="checkbox"/> Transmittal Letter for Missing Parts of Application</li> </ul> | <ul style="list-style-type: none"> <li><input type="checkbox"/> Executed Declaration/Power of Attorney</li> <li><input type="checkbox"/> Assignment/Assignment Recordation Form Cover Sheet (PTO-1595)</li> <li><input type="checkbox"/> Submission of Certified Copy of Priority Document w/ _____ certified copy(ies)</li> <li><input type="checkbox"/> Information Disclosure Statement Transmittal</li> <li><input type="checkbox"/> Information Disclosure Citation (PTO-1449)</li> <li><input type="checkbox"/> Information Disclosure Statement w/ _____ document(s)</li> <li><input type="checkbox"/> Request for Corrected Notice of Recordation of Assignment w/Copy of Notice</li> <li><input type="checkbox"/> Request for Continued Examination</li> <li><input type="checkbox"/> Issue Fee Transmittal</li> <li><input type="checkbox"/> Status Inquiry</li> <li><input type="checkbox"/> Submission of Corrected Drawings</li> <li><input type="checkbox"/> Payment of Issue Fee and Authorization to charge Deposit Account</li> <li><input type="checkbox"/> Request for Refund</li> </ul> | <ul style="list-style-type: none"> <li><input type="checkbox"/> Request for Corrected Filing Receipt w/copy of Official Filing Receipt</li> <li><input type="checkbox"/> Substitute Specification (clear/marked copies)</li> <li><input type="checkbox"/> Check for \$ _____ is enclosed</li> <li><input type="checkbox"/> Check for \$ _____ is enclosed</li> <li><input type="checkbox"/> Charge \$ _____ to Deposit Account</li> <li><input type="checkbox"/> Charge \$ _____ to credit card. Form PTO-2038 is attached.</li> <li><input type="checkbox"/> Filed by Certificate of Mail</li> </ul> |
|--|---|---|

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Patent  
Attorney Docket No. 016800-445

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of  
Sandrine Segura et al.

Application No.: 09/881,686

Filing Date: June 18, 2001

Title: O/W EMULSION COMPRISING MICRONISED BIOLOGICALLY ACTIVE AGENTS

Group Art Unit: 1617

Examiner: LAUREN Q WELLS

Confirmation No.: 9187

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P.O. Box 1450  
Alexandria, VA 22313-1450

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- ☐ A Petition for Extension of Time is also enclosed.
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Disclaimer due under 37 C.F.R. § 1.20(d) are also enclosed.
- ☐ Also enclosed is/are \_\_\_\_\_

- ☐ Small entity status is hereby claimed.
- ☐ Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the  
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- ☐ Applicant(s) requests that any previously unentered after final amendments not be entered.  
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- ☐ Applicant(s) previously submitted \_\_\_\_\_

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enclosed.

**BURNS DOANE**  
BURNS DOANE SWECKER & MATHEIS LLP  
INTELLECTUAL PROPERTY LAW

AMENDMENT/REPLY TRANSMITTAL LETTER

Page 1 of 2  
(3/04)



Attorney Docket No. 016800-445  
Application No. 09/881,686

- ☒ No additional claim fee is required.  
☐ An additional claim fee is required, and is calculated as shown below.

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Total Claims	43	MINUS 84 =	0	x \$18.00 (1202) =	\$ 0.00
Independent Claims	6	MINUS 7 =	0	x \$86.00 (1201) =	\$ 0.00
If Amendment adds multiple dependent claims, add \$290.00 (1203)					
Total Claim Amendment Fee					\$ 0.00
<input type="checkbox"/> Small Entity Status claimed - subtract 50% of Total Claim Amendment Fee					\$ 0.00
<b>TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT</b>					<b>\$ 0.00</b>

- ☐ A check in the amount of \_\_\_\_\_ is enclosed for the fee due.  
☐ Charge \_\_\_\_\_ to Deposit Account No. 02-4800.  
☐ Charge \_\_\_\_\_ to credit card. Form PTO-2038 is attached.


The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620

Date: June 22, 2004

By   
Ed M. Dunston  
Registration No. 51,147

**BURNS DOANE**  
BURNS DOANE SWECKER & MATHIS LLP  
INTELLECTUAL PROPERTY LAW

AMENDMENT/REPLY TRANSMITTAL LETTER

Page 2 of 2